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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/741,016	12/21/2000	Michihide Tasaki	PM 275665 T4A0A-00S070-1	6670
7590 11/17/2003 PILLSBURY WINTHROP LLP 1600 TYSONS BOULEVARD MCLEAN, VA 22102			EXAMINER KIM, PETER B	
			ART UNIT 2851	PAPER NUMBER

DATE MAILED: 11/17/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/741,016

Applicant(s)

TASAKI, MICHIOHIDE

Examiner

Peter B. Kim

Art Unit

2851

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 October 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-6, 8-10 and 12-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2-6, 8-10 and 12-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
- 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
- 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Applicant's arguments filed on Oct. 22, 2003 have been fully considered.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2-6, 8-10 and 12-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hakamatsuka et al. (Hakamatsuka) (5,410,642) in view of Yakawa (6,421,110).

Hakamatsuka discloses in the abstract an ID card making apparatus and method with an image reading means (1a, 1b) for reading an image from a predetermined area large enough to include a photograph of predetermined size attached to an application form and an image processing section (2) for making an ID based on the image. Hakamatsuka discloses detecting and extracting the image data obtained by the image reading means (1a) and including at least a photograph attached to the ID card application form, and photographic image extraction means for extracting a photographic image from an area which is inside a region defined by a photograph edge and which excludes the photograph edge detected by comparing vertical and horizontal components of the photograph portion of the ID card application form (15) and obtained by the image reading means with the combination of vertical and horizontal components of predetermined photograph size (col. 6, lines 7-30) and ID card-making means for making an ID card on which the photographic image extracted by the photographic image

extraction means of the image procession section is printed (col. 10, lines 15-37). Hakamatsuka also discloses in the abstract and Fig. 16, an ID card making and preventing forgery by including background and ID code with information that prevents forgery and storage means for the background and ID code (col. 11, lines 4-61). Hakamatsuka discloses image synthesis means for producing a composite image by synthesizing the background image data stored in the background image storage means with figure portion data extracted (col. 11, lines 4-61). However, Hakamatsuka does not disclose the image reading means which obtains the photograph data along with the ruled lines and characters and extracting from the photograph data and excluding the ruled lines and characters. Yakawa discloses a photo processing apparatus and method comprising an image reading means which reads an image from a predetermined area (See Fig. 3A and 3B). Yakawa further discloses that the actual image region is detected and extracted according to vertical and horizontal component or the size of an actual image region (col. 6, lines 8-14). Although Yakawa does not disclose extracting from the obtained data, only the photograph data while excluding ruled lines and characters, Yakawa discloses extracting from the obtained data which included the surrounding image data portion, the effective image data portion while excluding the surrounding image. Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to provide the edge detecting and image extracting of Yakawa to the invention of Hakamatsuka in order to obtain the image of appropriate size so that no unwanted portion of the photograph appears in the ID as taught by Yakawa in col. 1, lines 51-63.

Response to Amendment

Applicant argues that the cited references do not disclose extracting photograph data from surrounding ruled lines and characters. Applicant argues that because the density difference is smaller between the photograph data and the ruled lines and characters, as compared to the density difference between a photograph data and the surrounding image data portion of Yakawa. However, Yakawa discloses that even if the density difference is small, as long as there is some difference the detection and extracting means of Yakawa is able to extract only the photograph data.

Where there is little difference in density level between the exposed and unexposed regions (e.g. of a film having photographs of night scenes), density hardly varies in the unexposed region but does vary, though slightly, in the exposed region (e.g. a photograph of the night sky) which is detectable. The division may be made by using this difference. That is, the extraction of actual image data is basically possible based on a difference in the density distribution (in other words, spatial frequency) of each pixel between the exposed and unexposed regions. Where density distribution hardly serves to distinguish between the two different regions, the actual image region may be determined by applying, as an extraction window, the size of an actual image region definitely obtained from another image frame, to the image data from which an actual image is to be extracted. (Yakawa in col. 5, line 45 – col. 6, line 15)

Thus, it would have been obvious to one of ordinary skill in the art to extract the photograph data from the surrounding image data without ruled lines and characters or surrounding image with ruled lines and characters.

Applicant also argues that claimed invention is distinguishable from Yakawa in that Yakawa uses density differentiation while the claimed invention performs filter processing. However, the claims do not recite a filter processing. Also, the written description of the instant application discloses the following:

For example, the photograph position detector 121 is provided with a filter capable of detecting vertical and horizontal components of image data. By merely entering photograph size to the photograph position detector 121, the vertical and horizontal dimensions of a photograph edge can be estimated to a certain extent. To be more specific, the vertical and horizontal components detected by the filter are compared with the estimated vertical and horizontal dimensions of a photograph edge. Based on this comparison, a photograph edge can be derived from the image data. (pages 8 and 9).

Estimating the vertical and horizontal dimensions from photograph size is taught by Hakamatsuka, and as to the filtering process, it is not clear what type of filter is used. It is not clear from the written description how the filter detects the horizontal and vertical components. Thus, applicant's arguments are not persuasive.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peter Kim whose telephone number is (703) 305-0105. The examiner can normally be reached on Monday-Thursday from 6:30 AM to 4:00 PM. The examiner can also be reached on alternate Fridays during the same hours.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Russ Adams, can be reached on (703) 308-2847. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0956.

A handwritten signature in black ink, appearing to read 'Peter B. Kim', with a stylized flourish at the end.

Peter B. Kim
Patent Examiner
November 6, 2003